

815 KAR 35:015. Certification of electrical inspectors.

RELATES TO: KRS 198B.060, 198B.090, 211.350, 227.450, 227.480, 227.489, 227.491, 227.492, 227.495

STATUTORY AUTHORITY: KRS 198B.050(5), 227.489

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.050(5) requires the department to promulgate administrative regulations to implement the Uniform State Building Code or to carry out any responsibility assigned to the department in accordance with KRS Chapter 198B. KRS 227.489 requires the commissioner of the Department of Housing, Buildings and Construction to require electrical inspectors to be certified based on standards of the National Electrical Code. This administrative regulation establishes the procedures for achieving and maintaining a certification as an electrical inspector.

Section 1. Applicability. This administrative regulation shall apply to electrical inspectors in Kentucky and applicants for certification as an electrical inspector in Kentucky.

Section 2. Classifications of Electrical Inspectors. (1) An electrical inspector shall be classified as either:

(a) An electrical inspector one (1) and two (2) family shall be a person who has:

1. Passed an examination focused on electrical installations in one (1) or two (2) family dwellings with a score of seventy (70) percent or greater by a test provider approved by the department; and

2. At least four (4) years experience immediately preceding the application in the installation and design of residential wiring systems installed in accordance with the National Electrical Code, NFPA 70 incorporated by reference in 815 KAR 7:120 and 815 KAR 7:125; or

(b) An electrical inspector general shall be a person who has:

1. Passed an examination focused on electrical installations in residential, commercial, and industrial buildings with a score of seventy (70) percent or greater by a test provider approved by the department; and

2. At least eight (8) years of experience immediately preceding the application in the installation and design of residential, commercial, and industrial wiring systems installed in accordance with the National Electrical Code, NFPA 70, incorporated by reference in 815 KAR 7:120 and 815 KAR 7:125.

(2) The requirements in subsections (1)(a) and (1)(b) shall be satisfied if the person is:

(a) A registered professional electrical engineer engaged in that profession for at least three (3) years immediately preceding the application; or

(b) Currently licensed as a master electrician and actively engaged in the electrical trade in that capacity immediately preceding the application.

(3)(a) An electrical inspector one (1) and two (2) family shall be certified to inspect and approve an electrical installation related to a:

1. One (1) or two (2) family dwelling; or

2. Manufactured home or mobile home.

(b) An electrical inspector general shall be certified to inspect and approve an electrical installation related to any type of residential, commercial, industrial, or other property that requires electrical inspection.

(4) A passing score as described in subsections (1)(a)1. and (1)(b)1. shall be valid for a period of three (3) years.

Section 3. Application Requirements for Certification. (1) An applicant for certification as an

electrical inspector shall submit to the department:

- (a) A completed Application for Electrical Inspector Certification on Form EL-11;
 - (b) Proof of successful completion of the examination applicable to the certification sought pursuant to Section 2(1)(a) and (b) of this administrative regulation;
 - (c) Except for electrical inspectors employed by the department, a fee of \$100 dollars payable to the Kentucky State Treasurer;
 - (d) Proof of the applicant's experience as required by Section 3(1)(a)2. and (b)2. of this administrative regulation;
 - (e) A passport-sized, color photograph of the applicant taken within the past six (6) months; and
 - (f) Proof of a bond in the amount of \$5,000 in compliance with KRS 227.487(4), unless employed by the department or a local government rules otherwise.
- (2) An applicant shall possess:
 - (a) The ability to read and write the English language; and
 - (b) A general educational level at least adequate to perform his or her duties.
 - (3) Proof of listed experience shall be provided by:
 - (a) A federal or state tax form; or
 - (b) An affidavit by another license holder who worked with the applicant.
 - (4) An applicant shall receive credit for an electrical course satisfactorily completed from an accredited vocational school or college on a year-for-year basis. Credit for education to replace an applicant's experience requirements shall be limited to a total of two (2) years.
 - (5) The department shall issue a certification for an electrical inspector only to an individual. A corporation, partnership, company, or other entity shall not be issued a certification.

Section 4. Certificate Renewal. (1) Certification period.

- (a) Each electrical inspector's certification shall expire on the last day of the electrical inspector's birth month each year.
 - (b) The department shall send each electrical inspector a renewal application form prior to the date of expiration.
- (2) Filing for renewal. Each electrical inspector seeking certification renewal shall submit to the department:
- (a) A completed Application for Electrical Inspector Certification on Form EL-11;
 - (b) A renewal fee of fifty (50) dollars;
 - (c) Proof of compliance with the continuing education requirements established in 815 KAR 2:010;
 - (d) If the electrical inspector is employed by a local government, documented proof of continued employment signed by the hiring authority responsible for administering the local jurisdiction's inspection and code enforcement program;
 - (e) For each local jurisdiction with which the applicant is contracted to act as an electrical inspector, a copy of the current contract naming the applicant and establishing the terms and conditions of his or her authority; and
 - (f) For each local jurisdiction with which the applicant is employed or contracted to act as an electrical inspector, a copy of the ordinance fixing the schedule of fees authorized to be charged for electrical inspections within that jurisdiction.
- (3) Current information. An applicant who has previously submitted a document required by subsection (2)(e) and (f) of this section for a prior renewal shall not be required to resubmit that document if it remains current and effective at the time of the current renewal.
- (4) Change of information. Within ten (10) days of the occurrence, a electrical inspector shall provide the department:

(a) Notice of any establishment, change, or termination of the electrical inspector's contract or employment with a local jurisdiction;

(b) A copy of any new or revised contract entered into with a local jurisdiction; and

(c) For any local jurisdiction with which the electrical inspector is employed or contracted, a copy of any ordinance amending the schedule of fees authorized to be charged for electrical inspections within that jurisdiction.

(5) Late renewal.

(a) An electrical inspector who fails to submit the renewal application and renewal fee on or before the last day of his or her birth month shall pay a late renewal fee of fifty (50) dollars in addition to the renewal fee.

(b) If both fees are not paid or all required continuing education is not completed within sixty (60) days after the last day of the electrical inspector's birth month, the certification shall be terminated.

(6) Reinstatement.

(a) A certificate that has been terminated may be reinstated at the discretion of the commissioner upon a petition in writing, demonstrating just cause why the petitioner failed to comply with the renewal requirements established by this section.

(b) An applicant for reinstatement shall:

1. Pay a reinstatement fee of \$100 in addition to the late renewal fee required by subsection (5) of this section;

2. Comply with the requirements established by subsection (2) of this section;

3.a. Submit proof of required continuing education pursuant to 815 KAR 2:010 for the number of hours required in one (1) year; or

b. Submit proof of having passed the examination applicable to the certification to be reinstated, as established by Section 2(1)(a) and (b) of this administrative regulation, within the current year.

(7) The requirements of this section shall not apply to a state-employed electrical inspector.

Section 5. Duties and Responsibilities. (1) In addition to the National Electrical Code, the electrical inspector shall be familiar with all applicable building codes and fire safety codes governing buildings in the area in which the electrical inspector performs an inspection.

(2) Record retention.

(a) Each electrical inspector shall make a complete record of each inspection. The record shall contain, as a minimum:

1. Sufficient information to identify the location of the structure inspected;

2. The date of the inspection;

3. The type of structure, whether residential, commercial, industrial, or other;

4. The designation of a required permit and the agency granting the permit;

5. The size and complexity of the structure; and

6. Any deficiencies in meeting code requirements and the actions required to comply.

(b) If the electrical inspector is employed by a local government, the electrical inspector or the local government shall maintain the records in compliance with 725 KAR 1:061.

(c) If the electrical inspector contracts with a local government, the local government shall maintain the records in compliance with 725 KAR 1:061.

(d) If the electrical inspector is an employee of the department, the electrical inspector shall submit the reports to the department in compliance with KRS 227.487(1).

Section 6. Complaints and Grievance Procedures. (1) A person may file a complaint against an electrical inspector if the person believes that an act or omission of the electrical inspector

in the performance of his or her duties is in violation of this administrative regulation or other law or has caused an undue hardship to the person.

(2) A complaint or allegation of misconduct shall be submitted in writing to the department and shall:

(a) Include the nature of the alleged misconduct, with specific details as to acts, names, dates, and witnesses; and

(b) Specify the action requested of the department.

(3) Following an investigation, the department shall:

(a) Set the matter for public hearing; or

(b) Take other appropriate action in accordance with KRS 227.495 to resolve or correct the matter.

Section 7. Suspension and Revocation of Certification. The commissioner shall revoke, suspend, or refuse to renew the certificate of an electrical inspector who is determined, by the commissioner after having afforded the opportunity for a KRS Chapter 13B administrative hearing, to have:

(1) Engaged in an activity that constitutes a conflict of interest, including:

(a) Work as an electrical contractor or electrician;

(b) Involvement in an activity in the electrical industry; or

(c) Having a pecuniary or associational interest in a business or other venture involved in an activity in the electrical industry;

(2) Engaged in fraud, deceit, or misrepresentation in obtaining certification;

(3) Demonstrated negligence, incompetence, or misconduct in the field of electrical inspection;

(4) Affixed or caused to be affixed a seal of approval or issued a certificate of approval for an electrical installation subject to inspection if he or she has not personally inspected the installation and found it to be satisfactory in accordance with the code;

(5) Operated as an electrical inspector in a locality in conflict with state or local laws, ordinances, or regulations;

(6) Knowingly overruled the proper findings of another electrical inspector or attempted to supplant, overrule, or otherwise invalidate the judgment of another electrical inspector without first obtaining express written consent from the designated electrical inspector's office supervising the original electrical inspector;

(7) Failed to maintain accurate and adequate recordkeeping as required by Section 6 of this administrative regulation;

(8) Violated KRS 211.350(8); or

(9) Violated any provision of KRS 227.491 or this administrative regulation.

Section 8. Incorporation by Reference. (1) Form EL-11, "Application for Electrical Inspector Certification", August 2018 is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, Electrical Section, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5412, Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at <http://dhbc.ky.gov/Pages/default.aspx>. (13 Ky.R. 2174; eff. 7-2-1987; 17 Ky.R. 2898; 3108; eff. 5-3-1991; 21 Ky.R. 125; eff. 9-12-1994; 22 Ky.R. 117; 594; eff. 9-7-1995; 2346; eff. 8-1-1996; 24 Ky.R. 767; 1097; eff. 11-5-1997; 25 Ky.R. 1193; eff. 2-18-1999; 26 Ky.R. 1049; eff. 1-11-2000; 27 Ky.R. 242; eff. 9-11-2000; 3380; eff. 8-15-2001; 31 Ky.R. 1750; 32 Ky.R. 83; eff. 8-5-2005; 41 Ky.R. 2645; 42 Ky.R. 298; eff. 9-4-2015; 45 Ky.R. 837, 1567; eff. 1-4-2019.)